

## **REMARKS**

### **Explanation of Claim Amendments:**

Claims 1, 7, 13, 15, 28, 31, 36, and 38 have been amended to clarify that the timer is initialized upon receipt of a request for the server or a reply from the server so as to maintain the semi-connectionless protocol open until the timeout period expires. This feature was previously found (in part) in claim 18, which has now been canceled. Support for the new language may be found in the specification at page 15, line 12, through page 16, line 15, in connection with Figure 5.

Claims 4, 12, and 37 have been amended to specify that the application interface sends a redirected message to the designated server without involving the application program. Claim 30 was not amended as it already specifies that the application interface sends the redirected message to the designated server without involving the application program.

No new matter has been entered and no new issues have been raised by these amendments. Claims 1, 2, 4-17, 28-32, and 36-38 remain in the application.

### **Interview Summary:**

Applicant appreciates the courtesies extended by Examiner Barqadle during a telephonic interview with Applicant's undersigned representative on May 2, 2007. A draft response was discussed during that interview. The amendments proposed in the draft response discussed during the interview have been withdrawn in favor of the amendments proposed above. The amendments are directed to the clarifications requested by the Examiner during the interview. The Examiner is asked to note that support for the clarifications in the claims can be found in the specification in the discussion of Figure 5 at page 15, line 12, through page 16, line 15, of the specification. Entry of these amendments and allowance of the present application are requested.

### **Section 102 Rejection:**

In the Official Action, claims 1, 7, 8, 10, 11, 15-18, 28, 31-32, 36 and 38 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Sridhar et al. (US 6,098,108). This rejection is respectfully traversed.

In response to the Examiner's comments in the "Response to Arguments" on pages 2 and 3 of the Official Action, Applicant has amended independent claims 1, 7, 13, 15, 28, 31, 36, and 38 to recite that the timer is initialized to indicate how much time has expired since a message was last sent to the server or a reply was last received from the server and that the connection is kept open and the timer reinitialized so long as either another message for the server is received from the application program or another reply is received from the server before the timeout period has expired. The amended claims thus recite a method, a computer system, or a computer readable medium for performing a method in a computer system, where the method is for a "semi-connectionless protocol" by which a client computer in the computer system sends one or more messages to a server computer. For example, claim 15, as now amended, recites the steps of:

- opening a connection with the server;
- sending the one or more messages over the connection;
- initializing a timer indicative of how much time has expired since a message was last sent to the server or a reply was last received from the server;
- determining whether a timeout period of the timer has expired before another message for the server is received from an application program of the client or another reply is received from the server;
- keeping the connection open and reinitializing the timer so long as either another message for the server is received from the application program or another reply is received from the server before the timeout period has expired; and
- closing the connection when the timeout period has expired before either another message for the server is received from the application program or another reply is received from the server.

As noted above, independent claims 1, 7, 13, 28, 31, 36, and 38 have been similarly amended to recite that the timer is initialized to indicate how much time has expired since a message was last sent to the server or a reply was last received from the server and that the connection is kept open and the timer reinitialized so long as either another message for the server is

received from the application program or another reply is received from the server before the timeout period has expired. Such steps cannot be found in the teachings of Sridhar et al.

As noted in a previous response, Sridhar et al. teaches at column 18, lines 59-67 that the “keep-alive time” for a connection between the gateway computer and a remote communication server “can be a fixed interval or can be determined adaptively based on past communication characteristics.” Sridhar et al. nowhere teach that the fixed interval is reset based on activity of the application program in communicating with the server as claimed. Sridhar et al. instead keep the connection open for a set period of time that is fixed arbitrarily or fixed based on *past* communication characteristics, as opposed to fixed based on current attempts by the application program to communicate requests to a server. In other words, while the claimed invention keeps the connection open “and reinitializes the timer so long as either another message for the server is received from the application program or another reply is received from the server before the timeout period has expired,” and closes the connection “when the timeout period has expired before either another message for the server is received from the application program or another reply is received from the server,” Sridhar et al. keep the connection open for a time that is fixed irrespective of actual communication activity prior to timeout.

In that Sridhar et al. do not teach keeping the connection open based on the current activity of the application program as now claimed, claims 1, 7, 13, 15, 28, 31, 36, 38, as amended, and all claims dependent thereon are believed to clearly distinguish over the teachings of Sridhar et al. Withdrawal of the rejection of these claims as anticipated by Sridhar et al. is respectfully solicited.

For these reasons, the rejection of claims 1, 7, 8, 10, 11, 15-18, 28, 31-32, 36 and 38 as being anticipated by Sridhar et al. under 35 U.S.C. §102(e) is improper and should be withdrawn.

### **Section 103 Rejections:**

Claims 2, 5, 6, 9, and 29 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sridhar et al. in view of Chorn (US 6,275,843). This rejection is respectfully traversed.

As noted above with respect to claims 1, 7, 13, 15, 28, 31, 36, and 38, Sridhar et al. do not teach the “semi-connectionless protocol” feature of the claims. Applicant can find no

such teachings in Chorn either. Accordingly, the Examiner has failed to establish *prima facie* obviousness. Moreover, the Examiner has pointed to no teachings, reasons or suggestions for combining the teachings of Sridhar et al. and Chorn. The general allegations provided by the Examiner are insufficient to establish *prima facie* obviousness. In any case, even if the teachings of Chorn and Sridhar et al. could be combined as the Examiner proposes, the resulting system would not implement a "semi-connectionless protocol" as claimed. In the absence of such teachings, independent claims 1, 7, 13, 15, 28, 31, 36, and 38, and all claims dependent thereon, including claims 2, 5, 6, 9, and 29, are believed to be allowable over the art of record. Withdrawal of the rejection of claims 2, 5, 6, 9, and 29 is thus solicited.

Claims 4, 12-14, 30 and 37 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sridhar et al. in view of Still et al. (USP 6,718,390). This rejection is also respectfully traversed.

As noted in a previous response with respect to claims 12-14 and 30, Sridhar et al. teach that the redirector 1530 determines whether an alternative communication protocol can be used on a particular TCP/IP connection request from the client application 1510 to the server computer and provides an interface to transport services 1590 to pass data to and from that server computer. While this activity may or may not occur without involving the client application 1510 (unclear from the disclosure), clearly Sridhar et al. do not teach that the reply from the server includes the claimed "redirect request" that is acted upon by the redirector. On the contrary, the redirector 1530 of Sridhar et al. apparently seeks alternative paths to the same server computer, not a path to a second server computer designated by the first server computer as being the correct destination for the message.

Claim 4, 12, 30 and 37 now specify that the *application interface* (as opposed to the application program or the first server) send the redirected message to the second server. As just noted, Sridhar et al. do not provide such teachings. Applicant can find no such teachings in Still et al. either. Still et al. instead teach that a first server redirects requests to a second server and that subsequent requests continue to be routed to the second server by the first server (see abstract). In contrast, the claimed invention sends the redirection information to the application interface and the requests are redirected to the designated server without involvement of the application program or the first server. Accordingly, the Examiner has failed to establish *prima facie* obviousness.

Separately, during the interview the Examiner pointed to the DNS 1470 of Figure 14 and the associated text at column 24, lines 19-27, of Sridhar as allegedly being relevant to the subject matter of claims 4, 12, 30, and 37. Applicant respectfully disagrees.

The DNS 1470 in Sridhar accepts a host name and provides an IP address associated with that host name. Applicant can find no teachings in Sridhar suggestive that the application interface of the client that sends the host name to the DNS 1470 may further send the IP address to a second server “without involving the application program” as claimed. In Sridhar, the IP address is provided from the DNS 1470 to the requesting client. Even if one were to consider the message containing the IP address as the claimed “redirect request,” there is no indication in Sridhar that the application interface of the client sends the message to the server at the indicated IP address without involving the application program. Absent such teachings, a rejection of claims 4, 12, 30, and 37 over the teachings of Sridhar would be improper.

Finally, in rejecting the claims, the Examiner has pointed to no teachings, reasons or suggestions for combining the teachings of Sridhar et al. and Still et al. The general allegations provided by the Examiner are insufficient to establish *prima facie* obviousness. Accordingly, even if the teachings of Sridhar et al. and Still et al. could be combined as the Examiner proposes, the resulting system would not redirect the message to the second server using the application interface without involving the application program or first server as claimed. In the absence of such teachings, claims 4, 12-14, 30, and 37 are believed to be allowable over the art of record. Withdrawal of the rejection of claims 4, 12-14, 30, and 37 is thus solicited.

As set forth in M.P.E.P. §§2142-2143.03, in order to establish a *prima facie* case of obviousness, patent examiners are required to establish three criteria: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference, or combination of references, must teach or suggest all the claim limitations. The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To make a proper obviousness determination, the examiner must “step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the

art' when the invention was unknown and just before it was made." In view of the available factual information, the examiner must make a determination as to whether the claimed invention "as a whole" would have been obvious at that time to a person of ordinary skill in the art. Importantly, a rejection based on these criteria must be based on what is taught in the prior art, not the applicant's disclosure. The applicant's disclosure may not be used as a blueprint from which to construct an obviousness rejection.

In the present case, the Examiner has failed to establish that the prior art reference, or combination of references, teach or suggest all the claim limitations. The Examiner has instead made unsupported claims that Sridhar et al. and Chorn or Still et al. teach various features of the claims. Applicant cannot find teachings of certain features of the claims in any of the cited prior art references. Applicant further submits that the Examiner has failed to provide a sufficient explanation as required by M.P.E.P. §706.02(j) of why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modifications of the Sridhar et al. system. Applicant also cannot find anything in the Examiner's Official Action or in the references themselves that provides and motivation or suggestion for modifying or combining the teachings of the references as the Examiner proposes. Applicant thus submits that the Examiner has failed to establish *prima facie* obviousness. Withdrawal of the rejection of claims 4, 12-14, 30, and 37 is thus solicited.

**Conclusion:**

The claims as presented clearly distinguish over the teachings of Sridhar et al., Chorn, and/or Still et al. The Examiner has failed to establish that all features of any of the claims are anticipated by these patent documents and has failed to establish *prima facie* obviousness with respect to any claim. The present application is thus believed to be in condition for allowance. A Notice of Allowability is respectfully solicited.

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